

Application No. 09/885,495
Response to Office Action of January 16, 2007

REMARKS

In the Office Action of January 16, 2007, the Examiner made a request under 37 CFR 1.105 for the applicant to provide names of any product and service that the applicant has identified as incorporating the claimed subject matter. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks. No new subject matter is being added by this response.

I. RESPONSE PURSUANT TO 37 CFR. 1.105

Following is Applicant's response pursuant to the Examiner's 37 CFR 1.105 request. Applicant would like to note that the provisional to which this application claims priority was filed in June of 2000. At that time, the Applicant did not know of any prior art in which automobiles in a listing of automobiles owned by a rental company are made available for sale when the automobiles were also available for use as a rental car. What was known at the time of filing of the provisional was the selling of rental cars after they were removed from the rental fleet and the selling of lease vehicles after termination of the lease.

Additional, dates that are provided are in some case approximate dates and are noted as such. The dates provided are to the best of the Applicant's knowledge at this time. If additional facts became known to the applicant, the applicant will supplement this response. Note further, that as Applicant understood the request, the identity or products or companies that incorporate the claimed subject matter were to be provided. After a telephonic interview with the Examiner on March 23, 2007, the Applicant, through his attorney of record, determined that the Examiner was requesting the identity of companies or individuals, beside the Applicant, that were providing services that incorporate the claimed subject matter. The following is Applicant's good faith response to this request. If more information is needed by the Examiner, the Applicant would be more than happy to supplement to the best of his ability.

At approximately the time the application was submitted until around the 2002 time frame, there were several companies that acted as brokers between companies that had inventory of automobiles to sell, such as lease holders of automobiles, and wholesale purchasers of automobiles, such as automobile dealers. Typically, these companies provided a wholesale

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purchaser of automobiles a computerized inventory of off-lease automobiles. This allowed the wholesale purchaser the opportunity to purchase a large amount of automobiles without having to attend an auction. However, these companies offered automobiles that were returned from a lease and were currently on a car lot at some location awaiting sale. This is known as selling "grounded" cars on-line. This is noted in the background of the patent application.

Companies that provided brokerage services described above include Autodaq, AutoTrade Center (ATC) and Onlane. Autodaq and ATC merged in July of 2002. In 2006, ATC and Onlane merged to form ATC-Onlane. Sometime around 2003 the merged Autoday-ATC and Onlane began to offer leased automobiles to wholesale dealers prior to the end of the lease agreement. Sometime in 2006, Onlane and then the merged ATC-Onlane company began to offer rental cars for sale to wholesale dealers and individuals while the rental cars are still available for rent on the active rental fleet. Therefore, at least part of what ATC-Onlane currently does seems to incorporate claimed subject matter.

Additionally, Drive-it-Away, a company that started sometime in 2000, also initially started to sell grounded dealer cars on-line (vehicles where the lease had expired). Drive-it-away began offering rental cars in a current rental car inventory for sale sometime in 2006. This service is believed to have incorporated the claimed subject matter. Drive-it-Away went out of business around 2007 but evidently is again in business. Thus, Drive-it-Away was or is offering rental cars for sale to consumers when the rental cars are still available for rental.

These are the companies that the Applicant believes are offer services that incorporate the claimed subject matter. As stated before, none were offering such services at the time of the filing of the provisional or the patent application to claims priority to the provisional.

II. DATE OF ACTION

According to the Public PAIR System, this action was originally sent on November 1, 2006. However, Applicant never received the action, nor is it available for download on the public PAIR system. Applicant contends that the actual mailing date should be January 16, 2007. This action was subject to a shortened statutory reply period of two months. Thus, one-

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month extension should be due, not three months as the applicant is paying for. Thus, the applicant hereby requests a refund of the difference between the three month extension and a one-month-extension.

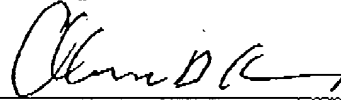
III. CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance and favorable action is respectfully requested. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

April 2, 2007
Date

By



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